

ORDINANCE NO. 1565

AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON relating to the City's Harbor Code and amending DMMC 15.12.010, 15.12.020, and 15.12.040 amending parking regulations at the City's Marina parking lots and updating exemptions.

WHEREAS, the City Council has previously closed the north Marina parking lot to vehicles during certain hours to limit unwanted noise, gatherings, and criminal activity, and

WHEREAS, over the last several years there has been an increase in noise and crime in the south parking lot of the Marina, and

WHEREAS, the Harbormaster and the Police Department have tried to curb unwanted behavior in the Marina parking lots by installing surveillance cameras as well as increasing police patrols, and

WHEREAS, increased police patrols may temporarily decrease criminal activity but problems recur when officers are not present, and

WHEREAS; the City Council finds that the most effective means to a permanent solution is closure of the entire Marina parking lot to motor vehicles during certain evening hours, with exceptions for authorized uses of Marina patrons and residents, now therefore,

THE CITY COUNCIL OF THE CITY OF DES MOINES ORDAINS AS FOLLOWS:

Sec. 1. DMMC 15.12.010 and section 1 of Ordinance No. 591 are amended to read as follows:

Marina parking lots - Closure. The City Manager is directed to close the Marina parking lots to all vehicular traffic (with certain exceptions specified in this chapter) during such hours as are set by resolution of the City Council, and post such restriction at such locations and in such a manner which reasonably informs the public.

Sec. 2. DMMC 15.12.020 and section 2 of Ordinance No. 591 are amended to read as follows:

Motor vehicle trespass designated. The operator of a motor vehicle who enters a parking lot at the Marina between the hours set by the City Council and posted as provided in DMMC 15.12.010, or whose vehicle is found in a Marina parking lot during such hours commits the traffic infraction of motor vehicle trespass.

Sec. 3. DMMC 15.12.040 and section 5 of Ordinance No. 591 as amended by section 1 of Ordinance No. 1018 are amended to read as follows:

Exemptions. The following are exempt from the provisions of this chapter:

(1) Residents and guests of residents whose real property parking is contiguous to a Marina parking lot; except that this exemption is limited to transit through the parking lots. Persons in this category who park in a Marina parking lot shall forfeit the exempt status.

(2) Users of the Marina who have legitimate reasons to park in a Marina parking lot in connection with boating or fishing activities; including, but not limited to, liveaboards, occupants of guest moorage, persons who have launched vessels, and persons who are loading or unloading vessels. This exemption is limited to vehicles that have conspicuously displayed on the vehicle either a parking pass issued by the Harbormaster or a current launching ticket. A decision of the Harbormaster denying a parking pass may be appealed to the City Manager and the Hearing Examiner in accordance with rules and regulations for the Marina.

(3) Vehicles displaying a card, decal, or special license plate issued by the Washington State Department of Licensing pursuant to RCW 46.19.010 or another jurisdiction pursuant to RCW 46.19.070, both as presently constituted or as may be subsequently amended, that indicates an occupant of the vehicle is physically disabled.

(4) Official federal, state, or local law enforcement, fire protection, or medical vehicles while in performance of official duties.

(5) Vehicles of users of the Marina for City-approved special events during the hours of the event.

(6) Vehicles of patrons and employees of a Marina restaurant or business during the hours of operation of the restaurant or business.

Sec. 4. Severability - Construction.

(1) If a section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

(2) If the provisions of this Ordinance are found to be inconsistent with other provisions of the Des Moines Municipal Code, this Ordinance is deemed to control.

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Sec. 5. Effective date. This Ordinance shall take effect and be in full force thirty (30) days after its passage and approval in accordance with law.


PASSED BY the City Council of the City of Des Moines this 27th day of June, 2013 and signed in authentication thereof this 27th day of June, 2013.


MAYOR

APPROVED AS TO FORM:


Assistant City Attorney

ATTEST:


City Clerk

Published: July 2, 2013

Effective Date: July 27, 2013

LEGAL NOTICE
SUMMARY OF ADOPTED ORDINANCE
CITY OF DES MOINES

ORDINANCE NO. 1565, Adopted June 27, 2013.

DESCRIPTION OF MAIN POINTS OF THE ORDINANCE:

This Ordinance relates to the City's Harbor Code and amends DMMC 15.12.010, 15.12.020, and 15.12.040, amends parking regulations at the City's Marina parking lots, and updates exemptions.

The full text of the Ordinance will be mailed without cost upon request.

Bonnie Wilkins
City Clerk

Published: July 27, 2013